

REMARKS/ARGUMENTS

Claims 1-12 are pending.

In the outstanding Office Action Claims 1-12 were rejected as being unpatentable over Purnadi et al. (U.S. Patent No. 6,201,971, hereinafter Purnadi) in view of Dupont (U.S. Patent No. 5,729,542).

Applicants incorporate herein by reference all of the remarks made in the Amendment filed September 11, 2006. Furthermore, Applicants note that the present rejection is the same as that from the Office Action of March 10, 2006, and therefore will focus the present comments on the “Response to Arguments” section in paragraph 1 of the outstanding Office Action. The outstanding Office Action asserts that Purnadi does teach the claimed “required communication qualities reported from the radio terminals or communication connections respectively.” For support, the outstanding Office Action relies on column 6, lines 18-38 of Purnadi where the Office Action asserts that the home location register (HLR) stores data for a service degradation profile (SDP). The Office Action asserts that this data stored at the HLR is selectively used to provide for controlled degradation of communication service performance when communication resources available for a communication session cannot assure for a desired QoS level. On this basis, the outstanding Office Action asserts that Purnadi discloses the claimed feature of “required communication qualities reported from the radio terminals or communication connections respectively.” Applicants respectfully traverse this assertion.

The language cited in the outstanding Office Action describes that in conventional implementations, when QoS levels are not available for a communication session, then termination of the communication session will result (column 6, lines 5-8). Purnadi then distinguishes “its invention from ‘proposals by which to renegotiate service with the mobile station’” is inadequate because it is “costly in terms of increased overhead.” Therefore,

Purnadi relies on data stored at the HLR to form the SDP. This SDP is in use for controlled degradation of the communication service performance when communication resources available for a communication session cannot assure that desired QoS level of services can be achieved (column 6, lines 20-26). Thus, Purnadi uses a stored SDP saved at an HLR to be invoked when a service degradation is detected. The Office Action asserts that this is the same as the claimed “required communication qualities reported from the radio terminals or communication connections, respectively.” This simply is not the case. The HLR is not part of the mobile terminal nor part of the communication connections in which the actual communication qualities are degraded. Thus, the storage of the SDP in the HLR can be nothing more than a presaved plan for how the system is to react when QoS levels cannot be achieved. This simply does not equate with the “retrieving” step in Claim 1 where the required communication capabilities are reported from the radio terminals or the communication connections.

Moreover, Purnadi can do no better than execute a service degradation profile when performance degradation is experienced. In contrast, an advantage of the present invention as claimed in Claim 1 for example is that the required communication qualities are reported from the radio terminals themselves or the communication connections themselves. Thus, Purnadi is no better than a static system that can only execute one plan based on a preconceived understanding of how the QoS may be degraded. The present invention as claimed in Claim 1 for example is not so limited. Furthermore, the storage in the HLR and the use of the SDP as stored in the HLR do not equate with the claimed reporting of required communication qualities from the radio terminals or communication connections and therefore Purnadi fails to teach or suggest this feature of Claim 1.

The outstanding Office Action also asserts that Dupont describes in Figures 4-6 and column 3, line 64 through column 4, line 45, that different QoS classes may be given a

particular priority order “in the second group after the first group is allocated.” Applicants respectfully traverse this assertion.

Dupont merely describes five different classes, each of which is assigned a different probability for accessing the system based on different access probabilities for the different users. However, as discussed at column 4, lines 8-25, Dupont uses a type of slotted-ALOHA priority request scheme where classes 1-2 are given advantageous probabilities for accessing the system, as compared with probabilities assigned for classes 3-5. However simply because classes 1-2 are given a higher probability does not equate with the claimed “allocating the radio resource terminals or communication connections in said second group based on a priority order in which the second group is after the first group is allocated.” Moreover, Dupont expressly teaches away from this concept by giving potential access to any one of classes 1-5, although at different probabilities. Thus Applicants renew their traverse of the assertion of Dupont as teaching or suggesting the claim feature of “allocating the radio resource terminals or communication connections in said second group based on a priority order in said second group after the first group is allocated.”

Accordingly, it is respectfully submitted that no matter how Purnadi and Dupont are combined, the combination does not teach or suggest either the “retrieving” step of Claim 1 or the “allocating” step of Claim 1, and therefore does not render obvious the invention of Claim 1. Although of differing statutory class and/or scope, it is respectfully submitted that Claims 2-12 also patentably define over Purnadi in view of Dupont for at least the same reasons discussed above with regard to Claim 1.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-12 is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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